

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1309 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PURNA STONE MINES

Versus

COLLECTOR

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Appearance:

MR BN KESHWANI for Petitioner

MR KAMAL MEHTA, advocate for respondent

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CORAM : MR.JUSTICE R.BALIA.

Date of decision: 11/03/96

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned Assistant Government Pleader.

2. Heard the learned counsel for the parties.

3. The petitioner was holding a mining lease in respect of minor mineral lime stone which was due to expire on 18.11.1994. The petitioner moved an

application for renewal of his lease on 17.8.1994, which according to him has so far not been decided.

4. Learned A.G.P. states that it is true that application for renewal has not so far been decided but according to the records of the Mining Department, petitioner has encroached upon vast junk of land beyond the lease area. Learned counsel for the petitioner contests this position.

5. From the aforesaid it is apparent that for one reason or the other the petitioner's renewal application has not so far been decided which the respondents are bound to decide taking into consideration the circumstances about the petitioner encroaching upon the surrounding lands but that would require informing the petitioner about the material intended to be used against him and its impact on the renewal application. But respondent cannot sit tight over the application without deciding it on the pretext that the petitioner has encroached upon the land beyond the lease area without even giving notice about the same to the petitioner. Accordingly the petition succeeds. The respondents are directed to decide the application of renewal within a period of one month from the date of service of this writ. Rule made absolute. No order as to costs.

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